

<p style="text-align: center;">AGENDA SPECIAL PLANNING COMMISSION MEETING October 8, 2001 6 PM to 7:30 PM</p>
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This special meeting is convened by the Lawrence Douglas County Planning Commission to receive a report from the SLT Land Use Committee on the various alignments proposed by KDOT for the eastern leg (connecting link) of the SLT/K10 from US 59 Hwy [S. Iowa St.] to K10 east of the city limits. Upon receiving the report, the Planning Commission's task is to develop a Commission position on a preferred alignment based on land use considerations. As this is a Commission position being discussed, there will be no oral public input taken at this meeting. There are public forums at the City and County Commission levels for public input as well as through the Osprey Stakeholder's group.

Order of Business

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|------|--|--|
| I. | Receive Communications | |
| II. | Receive Committee Majority Report | [15 minute time limit] |
| III. | Receive Committee Minority Report | [15 minute time limit] |
| IV. | Discussion by the full Planning Commission | |
| V. | Voting and Recommendation on an alignment to the City & County Commissions | [total for Items IV and V
60 minutes] |

Adjournment

**LCDMPO SLT LAND USE COMMITTEE
COMMITTEE ACTION SUMMARY &
MAJORITY AND MINORITY OPINION STATEMENTS
OCTOBER 4, 2001**

PURPOSE STATEMENT: The charge given by the Lawrence Douglas County Planning Commission to this special land use committee was to review the proposed alignments for the SLT/K10 connecting link with respect to their individual impacts on the future land use/growth of Lawrence and its urban fringe areas – focusing on the no-build, 32nd and 42nd Street alignments.

This charge was the foundation for the committee's goal, which was expanded to include a review of all fourteen potential scenarios [thirteen alignment alternatives and the no-build alternative].

COMMITTEE COMPOSITION: The SLT Land Use Committee, an ad hoc committee of the Lawrence Douglas County Planning Commission, included three planning commissioners appointed by the Chairman on the LDCPC. The three planning commissioners were: Jane Bateman, committee chairperson; David Burress, and John Haase. The Planning Commission also solicited participation on this committee from the City and County Commissions and from USD #497's Board of Education. The other three members of this six member committee were: Bob Johnson, County Commissioner, Marty Kennedy, City Commissioner, and Mary Loveland, School Board member.

COMMITTEE WORK SUMMARY: The Committee met five times between September 11th and October 2nd to arrive at a recommendation for a preferred alignment. The first meeting was an organizational meeting, with the focus given to determining the types of information needed to evaluate the impacts of the different alignments on the land use futures in Lawrence and the urban fringe area. The next three meetings [9/18, 9/20/& 9/24] were spent collecting data from: KDOT; HNTB, their consultants; planning staff; and, the 31st Street corridor consultant [TranSystems] (working for the City and County).

Information received and reviewed by the committee prior to their vote on October 2nd included: a presentation by KDOT on their goals for the SLT/K10 and their priorities in development of this connecting link SLT/ K10 project; a review & explanation of the criteria used by HNTB in the formulation of each alternative alignment; the planned transportation projects and projected funding costs identified in the MPO's Transportation Improvement Plan (TIP) – a composite document of the transportation elements of the State, City, and County's Capital Improvements

Programs –providing a perspective on anticipated public costs and planned road improvements; land use impacts and the future land use scenario proposed by staff for the Transportation 2020 (T2025) master plan update; 1998 and 2025 traffic projections for arterial and collector roads based upon assumptions given with each SLT/K10 alignment alternative; infrastructure service delivery possibilities and constraints based upon adopted city master plans and the T2025 future land use assumptions; traffic projections based upon the committee identified additional local access points between S. Iowa| Hwy 59 and E. 23rd St|K10;and, a school board perspective on the critical need for east–west connectivity along 31st Street to serve the existing primary and secondary schools located along Louisiana Street. ¹

Commissioner Haase provided the committee with an outline of suggested factors/criteria for reviewing, processing and analyzing the information they would gather based on the Multiple Criteria Evaluation (MCE) method. As part of this process, the committee elected to use a matrix process to refine and condense their thought processes in their individual evaluation and decision–making process. Between the 4th and 5th meetings, committee members had the opportunity to fill out their own matrix to help identify criteria that was significant in each of nine categories. Planning staff also participated in the matrix exercise.

At the October 2nd meeting of the SLT Land Use Committee, the committee received a presentation from representatives of the Baker University Special Wetlands Committee; individually presented to the committee what they found to be significant factors or criteria in making an alignment selection, voted on which alignments to eliminate from further consideration, and voted on a preferred alignment. The vote was 5–2 with members Burress and Haase on the dissenting side. It was agreed that both majority and minority opinions be prepared and presented to the full Lawrence Douglas County Planning Commission for their consideration on October 8th, 2001. What follows in Committee Action Summary are the majority and minority opinions:

¹ The notebook of information kept by each committee member and the information distributed at each meeting is intended to accompany the Committee's recommendation and function as a record of the decision-making process

MAJORITY OPINION ON SELECTION OF PROPOSED ALIGNMENT 32B AS THE PREFERRED ALIGNMENT FOR THE CONNECTING LINK OF THE SLT/K10 FREEWAY.

Nine Criteria were selected for consideration in the analysis and decision-making process. These criteria were: 1. KDOT highway objective; 2. Impact on local traffic; 3. Floodplain implications; 4. Environmental implications; 5 Historical & Cultural Implications; 6. Land Use, Growth & Cost; 7. Economic Implications; 8. Local Roadway funding; and 9. Army Corp mandated review.

The majority opinion was that alignment alternative 32B was the most responsive of all possible alignments, including the do-nothing alternative, based on the weighted value put on the following points, which were identified by committee members as significant to the decision-making process:

- Of the five possible 32nd street alignments, 32B provided the best response to State and local transportation needs.
- This alignment provides a clear separation of local traffic flows from regional traffic flows. [*A unanimously agreed upon positive point.*] ;
- It preserves the critical east-west connection of 31st Street in the local transportation network. [*A unanimously agreed upon positive point.*] ;
- The closer proximity of the limited access highway to Lawrence's growth base, on the north side of the river, means that it will not promote growth (urban sprawl) beyond the current Urban Growth Boundaries;
- The alignment, while infringing on floodplain and other environmentally sensitive areas – wetlands & hydric soils – limits the intrusion into these areas to the northern fringe, thus minimizing detrimental impacts on these areas. All alignments cross or traverse both the floodplain and other environmentally sensitive areas;
- In weighing the options, intrusion into environmentally sensitive areas, specifically the designated Baker Wetlands is unfortunate but an acceptable measure based upon the (potential) relative gain to the entire county in contrast to the objections of one segment of the community. As a community, Lawrence/Douglas County has the opportunity to enlarge and enrich the existing designated Baker Wetlands by 60% or greater, through the creation of repatriated wetlands areas from identified hydric soils areas now under the ownership of KDOT along the south side of 31st Street, west of Louisiana Street. Through mitigation efforts proposed by KDOT in association with a north of the river route, not only would the existing designated wetlands be enlarged greatly, but also the community would gain a teaching/research center on the edge of the enlarged wetlands area. KDOT would provide an endowment to Baker University for the maintenance and development of these hydric soils area

into additional wetlands. This is a plus not only to the Douglas County but to the State and perhaps it could be of national significance;

- This significant community advantage was not offered by KDOT if a south of the river alignment was chosen. Such improvements might be possible through negotiation for excess highway right-of-way once the project is complete –no guarantees.
- The opportunity this alignment and the relocation of 31st Street provide to fulfill a commitment by the State to the BIA to make the HINU campus whole by relocation of 31st Street to the south of its existing alignment would address the historical and cultural concerns identified as problems with the previous 31st Street alignment.
- There is the ability to avoid intruding upon potential Indian burials sites, considered to be along the banks of the Wakarusa River, by staying to the northern edge of the floodplain.
- The realization that whatever alignment is chosen, impacts upon the local street network, specifically relieving traffic along 23rd Street, are significantly less than was originally anticipated, making all alignments north of the river more or less equal on this point.
- In selection of this alignment, there is an elimination of the potential for additional costly county road improvements [primarily to Haskell and to N1100], which would be borne by Wakarusa Township and Douglas County. By selection of an alignment north of the river, required local connecting road improvements are included in the project and are, therefore, a local cost assumed by the State.
- Greater control over land use speculation by the location of local interchanges at areas where land use patterns of non-residential development are already established [along Haskell Avenue] or where urban land use patterns are planned but not established [between E1650 (Franklin Road) and E1700].
- Minimizing the negative impacts on Louisiana Street traffic volumes by recommending no interchange be planned or built at this location with the SLT/K10 addresses concerns expressed by the adjoining neighborhood and the school board. *(The State indicated no at grade intersections would be built with this project so only above grade interchange locations were considered by the committee.)*
- The necessity to provide for connections to local roads at two specific locations only – Haskell Avenue and in the vicinity of E1700 Rd – works well with the chosen alignment with minor modifications required.
- The agreement by committee members that an expressway, providing no local access between Hwy 59 and K10, is not in the community's best interests. Interchanges should be provided only at the two points identified by the committee. *[A unanimously agreed upon point.]*

In conclusion, many of the points cited can and were reviewed and evaluated in respect to the thirteen different alignments proposed by KDOT. The weight given to each of these points was analyzed through the individual matrix process. Six matrices were developed. Six alternatives were deleted from consideration prior to filling out the matrices [no-build, 35 A & B, 38A & B, and 42B]. Seven alignments were evaluated using the matrices: 31A, 32A-B-C-D-E, and 42A. Using the cumulative values for each alignment of all six matrices, Alignment 32B received [uncontested] the highest total point count. Of each individual matrix, 32B received the most points on three matrices, 31A received the highest on one, and 42B received the highest point count on two.



SLT Committee -- Matrice Summary Table									
PROJECT COSTS NOT INCLUDED									
Note 1:	INDEX TOTALS OF ALL MATRICES								
	ALTERNATIVE ALIGNMENTS AND ACCESS								
	31-A	32-A	32-B	32-C	32-D	32-E	42-A		
	WEIGHTED								
MATRIX NO. 1	871	761	761	761	711	686	506		5057
MATRIX NO. 2	340	293	345	349	349	269	359		2304
MATRIX NO. 3	474	412	413	429	433	406	524		3091
MATRIX NO. 4	510	518	570	420	420	0	390		2828
MATRIX NO. 5	685	625	765	635	635	635	540		4520
MATRIX NO. 6	352	491	644	338	338	553	517		3233
TOTALS (HIGH INDEX MOST FAVORABLE)	3232	3100	3498	2932	2886	2549	2836		

SLT Committee -- Matrice Summary Table							
PROJECT COSTS NOT INCLUDED							
Note 2: Adjusted -- eliminated highest total count matrix and re-summarized alignments							
ALTERNATIVE ALIGNMENTS AND ACCESS							
	31-A	32-A	32-B	32-C	32-D	32-E	42-A
WEIGHTED							
MATRIX NO. 1							
MATRIX NO. 2	340	293	345	349	349	269	359
MATRIX NO. 3	474	412	413	429	433	406	524
MATRIX NO. 4	510	518	570	420	420	0	390
MATRIX NO. 5	685	625	765	635	635	635	540
MATRIX NO. 6	352	491	644	338	338	553	517
TOTALS (HIGH INDEX MOST FAVORABLE)	2361	2339	2737	2171	2175	1863	2330
Note 3: Adjusted -- eliminated highest total count matrix and greatest spread & re-summarized alignments. Matrix No. 1 had the highest total points and the greatest spread between the first and second choice.							

Note 4: Adjusted by percentage factor based on highest matrix total for all matrices.									
	ALTERNATIVE ALIGNMENTS AND ACCESS								
	31-A	32-A	32-B	32-C	32-D	32-E	42-A	% based on highest	
MATRIX NO. 1	871	761	761	761	711	686	506	1.000	5058
MATRIX NO. 2	340	293	345	349	349	269	359	2.195	2304
MATRIX NO. 3	474	412	413	429	433	406	524	1.636	3093
MATRIX NO. 4	510	518	570	420	420	0	390	1.788	2830
MATRIX NO. 5	685	625	765	635	635	635	540	1.119	4521
MATRIX NO. 6	352	491	644	338	338	553	517	1.564	3235
TOTALS (HIGH INDEX MOST FAVORABLE)	3232	3100	3498	2932	2886	2549	2836		
Below table is based on values as adjusted by percentage factors in column " P" above.									
MATRIX NO. 1	871	761	761	761	711	686	506		5057.0
MATRIX NO. 2	746.30	643.14	757.28	766.06	766.06	590.46	788.01		5057.3
MATRIX NO. 3	775.46	674.03	675.67	701.84	708.39	664.22	857.26		5056.9
MATRIX NO. 4	911.88	926.18	1019.16	750.96	750.96	0.00	697.32		5056.5
MATRIX NO. 5	766.52	699.38	856.04	710.57	710.57	710.57	604.26		5057.9
MATRIX NO. 6	550.53	767.92	1007.22	528.63	528.63	864.89	808.59		5056.4
TOTALS (HIGH INDEX MOST FAVORABLE)	4621.69	4471.65	5076.35	4219.06	4175.60	3516.13	4261.44		

LDCMPO SLT Land Use Committee Meeting Summary

Members Present: Bateman, Burress, Hasse, Johnson, Loveland, Durflinger

Staff Present: Finger, Ahrens, Dyer, Young

Consultants Present: Gavin (HNTB), Wahlstedt (TranSystems)

KDOT Representatives: Dow, Rees

A member of the public was also present.

After a round of introductions, Michael Young, of the Planning Department, briefly reviewed the history of circumferential loop roadways in the various City and County Comprehensive Land Use and Transportation plans covering the last 70 years.

Mike Wahlstedt, the City's consultant on the 31st Street Corridor Plan, reviewed several different mock-ups of 31st Street dependent upon the completion of and alignment of the South Lawrence Trafficway. He stressed the need for adequate connections between arterial roadways and expressways throughout southern Lawrence.



Linda Finger, Planning Director and John Hasse, Planning Commissioner, next reviewed Hasse's criteria for evaluating the various South Lawrence Trafficway alignments. Finger stressed the importance for evaluating all of the possible impacts of the various alignments, such as the impact of doing absolutely nothing for the next 25 years, or what happens if 31st Street is vacated. County Commission Chairman Bob Johnson stated that he believed support for vacation of 31st street existed, but only if a sufficient alternative to accommodated local traffic would be created in its place. Discussion ensued on the merits and weaknesses of alignments of the SLT and the options of vacating 31st Street in some of the alternatives.

Bill Ahrens, consultant for the Planning Department, reviewed for committee members the duties of the Planning Commission and the legal authority the Planning Commission as the MPO has in reviewing the South Lawrence Trafficway. Although all but one of the alignments is located outside of the jurisdiction of the MPO, all of the alignments are within near vicinity of the MPO's urban area boundary. All alignments are within the land use-planning jurisdiction of the City| County Planning Commission.

Purpose of Trafficway

The committee then discussed the purpose of the roadway itself. The debate, according to several individuals, rested on whether or not local and regional traffic needs could be settled by the construction of one facility, or if two, a local and a freeway option are needed. Planning Commission Chairman Ron Durflinger stated that whatever facility is built, it should not try to do too much. Commissioner Bateman questioned the impacts to other roadways, and stressed the need to examine what happens to the City's existing arterial and collector roadway system when and if the Trafficway is built.

Access Points

The committee next discussed proposed or potential access points. The committee reached agreement on the concept that no more than two additional access points should reasonably be developed between Iowa and the connection of the South Lawrence Trafficway at Kansas Highway 10 and that it would be best for the local community if KDOT paid for these access points in the initial development of the eastern leg. Possible access point locations include: Haskell, O'Connell Road and Noria Road. Staff recommended the committee not consider an access point at Louisiana Street, as that location would encourage additional traffic from 23rd to 31st Street. Discussion of this item concluded with an understanding that the location of access points and upgrading of local roads would be dependent in part, on the location of the trafficway north or south of the Wakarusa river.

Committee Member Request for Staff Estimate of Costs of Different Alignments on Local Improvements Scheduled

Planning Commissioner Burress asked if it would be possible for staff to give their best guess on the short-term and long-term costs involved with the different alignments being discussed. This matrix could include the estimated costs of trafficway improvements, cost estimates from projects included with the TIP, CIP and STIP, and projected traffic flows for 2015 and 2025 for each alignment along the trafficway and existing City arterial and minor arterial roadways. Staff indicated they would put together a list of projects approved in the TIP for the costs estimate part and that we would work with KDOT and their consultant on modeling different alignment access points for a "what-if" scenario.

Floodplain Development

The committee next addressed the issue of development in the floodplain. Committee members indicated it was unlikely they would recommend development was acceptable for anything other than the roadway within the floodplain, especially in light of expected floodplain regulations revisions to comply with new Federal Regulations. Finger pointed out the development constraints in alignments located in the floodplain (32nd, 35th, & 38th) and the natural restriction on development by floodplain and more specifically floodway. The 42nd & 32nd alignments both have options where the access point shown are within the floodplain which would not encourage additional non-residential development. Access points will act as magnets for non-residential development regardless of the availability of city infrastructure. The only question will be whether development is to an urban or a rural standard.

The committee adjourned at 10:05 am and agreed to reconvene at 8:00 on September 18th.

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South Lawrence Trafficway

Special Subcommittee Report

Dissenting Opinion

Wednesday, September 05, 2007

Introduction.

The subcommittee hearings unearthed valuable information and raised serious, unresolved questions. All witnesses heard during the subcommittee process appeared favorable to a 32nd Street alignment. They provided an exhaustive rationale that the environmental, historical, cultural, and spiritual concerns raised by a 32nd Street alignment could be mitigated. The subcommittee did not have the benefit of any documentation or testimony from scientists, environmentalists, historians, or accredited organizations known to have competing opinions.

The concluding subcommittee session included a presentation by representatives from Baker University who described their plan to expand the wetlands and construct a 16,000 square foot structure for studying the wetlands and educating the public. Baker is hoping for KDOT funding of approximately \$5M for expansion of the wetlands and construction of a science facility. Baker also seeks \$5M to establish an endowment for operating and maintaining the wetlands and the facility. Baker University is understandably very enthusiastic about its proposal. We believe it is a very good proposal, but we do not believe its fate should be artificially linked to the SLT alignment. The two decisions are logically independent.

The subcommittee received no information from the scientific community regarding alternative mitigation options. If the resources expended to facilitate a 32nd Street alignment had been directed at investigating and mitigating a 42nd Street alignment, we suggest that a successful Environmental Impact Statement could have been completed long ago.

Facts and Assumptions Adopted by the Subcommittee and accepted by the dissenting opinion.

- Independent of alignment, completion of the eastern leg of the South Lawrence Trafficway is paramount to the majority of local citizens.
- The alternatives have been reduced to a 32nd Street alignment and a 42nd Street alignment (these alignments being conceptual and not specific to exact location).

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- There should be two controlled access points, one at Haskell Avenue and one between Haskell Avenue and K-10 to the east.
- Traffic analysis studies reveal that no alignment of the South Lawrence Trafficway will eliminate traffic congestion on 23rd Street or 31st Street; improvements to the internal traffic network will be required.
- Retaining and improving 31st Street to four lanes is essential to maintaining continuity of east-west traffic flow within the internal traffic network.
- The Kansas Secretary of Transportation has identified a need to provide right-of-way to ensure that the South Lawrence Trafficway can be expanded to six lanes.
- \$12,611,000 is budgeted for the year 2002 in the Capital Improvements Plan for: (1) Wakarusa River Sub-basin Pump Station 5C and Force Main and (2) East Hills Business Park Pump Station.
- No Wastewater Treatment Plant (WWTP) enhancement options are currently being considered other than an expansion of the existing Kansas River WWTP. A Wakarusa River WWTP would be a viable alternative if compliance with Kansas Department of Health and Environment (KDHE) regulations could be achieved. Consideration of a Second Kansas River WWTP and a New Single Kansas River WWTP was eliminated due to the excess capital cost of these alternatives.
- The Planning Commission's alignment recommendation should be based on the best interests of Lawrence and Douglas County. It is KDOT's job to incorporate other interests into the final decision.

Additional Assumptions Adopted for the Dissenting Opinion.

- Selection of an alignment should be consistent with Horizon 2020 unless clear and convincing evidence suggests otherwise. The Comprehensive Plan implies substantial population growth both west of Lawrence and south of the Wakarusa River by the year 2020.
- Not only should selection of a South Lawrence Trafficway alignment address near term requirements, it should also be consistent with long-range strategies and objectives.
- Douglas County will grow at an annual rate of 2%. Consequently, by the year 2020 the population will reach 150,000; by the year 2035 the population will reach 200,000; and by the year 2055 the population will reach 300,000.

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- Near circular growth around the urban core is more efficient than linear growth exclusively along an east-west corridor.
- Land use is not anticipated or projected, it is planned. Major land use occurs in locations where municipalities elect to extend infrastructure (sewage treatment, water service, roads, emergency response capabilities, etc.).
- It is not the mission of this committee to recommend any alignment for 31st Street.
- Few or none of the various Haskell University constituencies – Board of Regents, BIA, students, Native American tribes – would oppose an alignment south of the Wakarusa. All have strong negative feelings toward any northern alignment. Some but not all constituencies would accept a northern alignment in return for various mitigation arrangements.
- Local environmentalist groups are firmly united in their opposition to any alignment north of the Wakarusa. They are divided in their attitude towards a southern alignment.

Composition of Project Alternatives.

The subcommittee was presented with a series of proposed alignments ranging from 31st Street to a location south of the Wakarusa River. In addition to stipulating the general location of the eastern leg of the South Lawrence Trafficway, each alternative reflected a conceptual configuration of the internal traffic network. It is important to note that the alignment of the SLT is largely independent of adjustments to local roadways. For example, the relocation of 31st Street off Haskell University property can occur irrespective of which SLT alignment is selected.

All of the alignments north of the Wakarusa River were proposed in conjunction with substantial mitigation provisions. No similar effort has been made to investigate the challenges and solutions available in support of a roadway south of the Wakarusa River. As a consequence, the subcommittee was given no means by which to compare alternatives based upon environmental, historical, cultural, and spiritual impact.

Baker University and the Baker Wetlands.

The mitigation program proposed for the Baker Wetlands by Baker University avoids important issues regarding this sensitive environment. The subcommittee was told that a fifteen-acre site adjacent to the wetlands has been nearly reclaimed as wetland by a project initiated only seven years ago. We also know,

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from a report published by the National Academy of Sciences, that reclamation of wetlands is uncertain and has been attempted with varying levels of success. Baker representatives were very confident they can successfully reclaim additional wetlands from hydric soils in the Wakarusa valley. They also expressed confidence that they can reclaim non-hydric soils, although that has not been tried locally. The proposed new wetlands are separated from the existing wetlands by the extension of Louisiana Street, which could impose a significant ecological barrier between the two parts.

It is important to understand that the 32nd Street concept as presented involves the permanent destruction of some 140 acres of hydric soils in the flood plain. Returning those acres to wetlands is not ever likely to be feasible. No efforts to mitigate destruction of hydric soils as such are required or planned.

Immediate expansion of the wetlands is not necessary for preserving hydric soils. They could be preserved, for example, by floodplain growth regulation like those now under consideration.

A 42nd Street alignment would also permanently destroy some hydric soils. We have no estimate of the acreage involved. It may be possible to design it so as to remove considerably less hydric soil than the 32nd Street alignment. Even if that is not the case, we believe it is more important to preserve hydric soils north of the river than south of the river. The soils north of the river are part of an irreplaceable, large contiguous natural floodplain that is of great ecological significance. We believe it important to keep it substantially intact.

A 32nd Street alignment would provide a useful barrier to help protect the wetlands from further development. However, if that goal could alternatively be achieved using a redesigned 31st Street. Moreover, a 42nd Street alignment would provide a useful barrier protecting the riparian corridor south of the Wakarusa.

Horizon 2020 is very specific in its guidance regarding the Baker Wetlands issue, "Encourage preservation of areas characterized by a number of overlapping environmental and natural features, such as: ... wetlands, hydric soils ...". The National Environmental Policy Act requires that adverse impacts on the environment be avoided, minimized, or mitigated in that order.

To comply with the guidance of the Comprehensive Plan and the requirements of NEPA, the Baker Wetlands should remain undisturbed. Further, since there is clear indication that the soil and environment in and around the Baker Wetlands are conducive to wetlands support, efforts should be made to reclaim a portion of the land on the perimeter of the existing wetlands. An expansion of the Baker Wetlands, using a combination of public and private funding, is more in keeping with Horizon 2020 and NEPA than building ten lanes of new roadway, with two median areas plus a berm, through an existing, established wetlands.

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Haskell University and the Bureau of Indian Affairs.

Members of the Haskell University community have concerns regarding disturbing the Baker Wetlands that transcend any possible mitigation proposals. These convictions should be respected. Additionally, there are archeological uncertainties that will only be revealed after a highway is engineered and construction has begun. It is possible that discoveries will be made that would halt construction of the proposed trafficway. Some have suggested that a natural gas pipeline trenched through the heart of the wetlands is evidence that no unmarked gravesites are present. We should be reminded that, up until 25 years ago, Native American remains were placed on display at a burial site east of Salina, Kansas. It is impossible to know what construction workers of a pipeline company may have encountered in the Baker Wetlands; we do know that sensitivity with respect to Native American burial sites, is a relatively new orientation for our society at large.

The Bureau of Indian Affairs has requested that 31st Street be vacated or relocated if the South Lawrence Trafficway is built anywhere north of the Wakarusa River. We point out that the 31st Street issue is completely independent of any contemplated alignment of the South Lawrence Trafficway. Irrespective of the placement of the SLT, the Bureau of Indian Affairs should be approached to better understand their 31st Street concerns and to explore the availability of federal funding to accommodate their expectations.

Archeological and Historic Sites South of the Wakarusa

There are a number of structures and sites south of the Wakarusa that have historic and cultural value. Most of these are related to Anglo history. KDOT has suggested that Native American sites are an additional possibility, but has not identified any. Most of these sites are point sites, which can be mitigated either by moving the structure, or by moving the right of way. Also, the SLT could serve as a barrier to protect some of the sites against development.

The Oregon Trail runs westward near 42nd street and then turns north across the Wakarusa to Lawrence. All proposed alignments cross the Oregon Trail. There are no plans in existence to preserve extensive segments of this section of the Oregon Trail. We believe that such plans could be designed into the 42nd Street alignment.

Traffic System Performance and Short Run Cost.

Careful examination of the record of the subcommittee hearings reveals no clear cost advantages to local government associated with any particular SLT alignment. In the event a local roadway is relocated, KDOT will fund that portion of relocation cost that replicates the existing road. Any requirement to improve

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the road (in-place or relocated) will occur at local expense. For example, improving 31st Street to four lanes is a local expense. Under KDOT's plan, relocating 31st Street will leave all of the four-lane improvement costs to local government.

Both 32nd Street and 42nd Street will fulfill the projects design requirements for expediting regional traffic while providing local access to the highway system. Traffic analysis studies reveal that congestion problems with the internal traffic network will not be eliminated, nor even seriously mitigated, by any proposed alignment of the eastern leg of the South Lawrence Trafficway. These same studies forecast that internal traffic congestion will become intolerable if substantial improvements to the internal traffic system are not undertaken.

Land Use Planning and Community Infrastructure.

Apart from environmental, historical, cultural, and spiritual considerations, the two contemplated alignments are best differentiated by land use implications and aggregate public cost. If one assumes there is little likelihood that the urban growth boundary will extend south of the Wakarusa within the next fifty years, a substantial effort should be undertaken to avoid building the trafficway south of the river. Conversely, if urban growth is likely south of the Wakarusa River within the next fifty years, routing the SLT south of the river is good public policy.

A trafficway running entirely through floodplain and wetlands will never provide utility beyond its immediate design goals. There will be little or no development opportunity around a 32nd Street alignment and its access at Haskell Avenue; however, pressure for development at this interchange will continue indefinitely. In contrast, a 42nd Street alignment will provide significant development opportunity at its intersection with Haskell Avenue. Should it become desirable to expedite traffic from south of the Wakarusa River to the vicinity of East 1700 road and K-10 highway, the 42nd Street alignment will provide this capability without additional public cost. Integrating a road system south of the river with the eastern segment of 32nd Street will come at enormous public expense. These costs can be avoided by routing the South Lawrence Trafficway along 42nd Street. In short, if development occurs south of the Wakarusa River, building the 42nd Street alignment minimizes aggregate public expense.

Wastewater treatment is at the core of urban planning considerations. During its closing session the subcommittee learned of the existence of a *1995 Wastewater Master Plan* with subsequent updates: (1) *1997 Baldwin Creek Update*; (2) *1998 Southeast Area Update*; and (3) *2000 Miscellaneous Development Evaluations*. Excerpts from these documents indicate that alternatives for building WWTP facilities to support westerly and northwesterly growth have been eliminated from the city's *Wastewater Master Plan*. The location and capacity of WWTP facilities has enormous implications for land use planning. Not only can the investment in

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a WWTP exceed \$150M, its location will define the cost (sewer lines and pump stations) to serve developing areas.

When one combines the projected population growth of Lawrence with the economic constraints of building WWTP facilities west along the Kansas River, it follows that pressure for southerly development will increase. Our community is just beginning to explore additional, cost-effective technologies for wastewater treatment. In conjunction with expansion of the Lawrence Airport, a plan to construct a wetlands bio-filter for sewage treatment is being considered. This is a technology that is in successful operation around the world; Arcata, California is an example. Proper use of wetlands to filter discharge from a WWTP does not degrade the environment. Reclamation of the hydric soils adjacent to the Baker Wetlands would provide significant capacity for supporting a WWTP to serve projected growth to the south and the industrial area developing south of the East Hills Business Park. WWTP facilities incorporating wetlands as a bio-filter can be erected at a much-reduced cost in contrast to conventional treatment plants. In addition, gray water discharge into the Kansas River will be eliminated.

Capital improvement projects are committed along south Wakarusa Drive and south Kasold Drive. Both of these roadway enhancements signal the expectation of growth along the fringe of the southern urban boundary. This is further indication that growth to the south is likely and is being anticipated.

Concern has been expressed that an alignment of the Trafficway south of the Wakarusa River will promote urban sprawl. This is a highly charged topic. Avoiding any further use of the surrounding landmass for development can only be achieved by eliminating population growth. However, good planning, enforcement of planning strategies, and enforcement of subdivision regulations minimize urban sprawl. To reign in sprawl we must re-examine our planning and land development principles. It would appear that promoting higher density residential development while protecting riparian corridors would reduce the rate of sprawl and its adverse impact. We must discover a mechanism for protecting individual property rights while assuming greater control over land use practices. Transferable Development Rights may be a vehicle for achieving this goal. Redevelopment and backfill within the existing urban area should be encouraged. Perhaps we can create new development incentives to promote greater efficiency of land use. The control of sprawl is an urgent challenge facing our community that can only be addressed by the development standards we adopt and enforce.

The Costs of Delay

It is reasonable to estimate the social costs of not having the SLT at tens of millions of dollars per year. From a social point of view, the costs of delaying the project even one year outweigh any conceivable advantage that could be obtained from KDOT funding of local projects.

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Lawsuits against the SLT have been shown to have a major potential for causing delay. KDOT has argued that lawsuits are dirt cheap and equally likely with a southern or northern alignment. We find this not credible. The previous SLT lawsuit consumed \$65,000 worth of time on the part of the plaintiff's attorneys. It takes a fairly intense group of private opponents to raise that amount of resources, whether in money or pro-bono contributions. We believe that opposition to a southern route would be considerably less intense than opposition to a northern route.

Response to Arguments in the Majority Report.

The fifteen bullet points contained within the majority report are generally accurate. However, several of the arguments are irrelevant for comparing a 32nd Street alignment and a 42nd Street alignment. In particular:

- Although 32-B is more responsive to state and local transportation needs than other 32nd Street alignments, it is comparable to a 42nd Street alignment in this respect.
- The 42nd Street alignment also provides a clear separation of local traffic flows from regional traffic flows.
- The 42nd Street alignment also preserves the critical east-west connection of 31st Street in the local transportation network.
- The subcommittee unanimously adopted the goal of minimizing traffic impact on Louisiana Street. Both the 32nd Street and 42nd Street alignments (with no Louisiana Street access) accomplish this objective.
- Both the 32nd Street and 42nd Street alignments integrate well into the local traffic network.
- Limited access to the South Lawrence Trafficway is supported by both the 32nd Street and 42nd Street alignments.
- The issue of relocating 31st Street off Haskell University property is independent of adopting an alignment for the SLT.

Other points depend on judgments that can be contested. In particular:

- Growth and urban sprawl are a function of a myriad of public policies and are not dictated by a circumferential, regional road. For example, major growth will not be possible without water and sewer mains.

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- A 32nd Street alignment limits its impact on the Baker Wetlands to the northern region. This attribute led the subcommittee to unanimously eliminate the 35th Street alignment and the 38th Street alignment from further consideration. However, adoption of the 32-B alignment will still cause ten lanes of highway to be constructed across the Baker Wetlands and across potentially sensitive archeological areas.
- KDOT is under no obligation to fund the Baker Wetlands mitigation program at the level being discussed. There is no assurance that mitigation activities will exceed what the Army Corp of Engineers requires.
- KDOT is under no obligation to fund local road improvements. KDOT representatives testified it does not participate in local road improvements that may appear desirable as the result of state highway construction. KDOT will pay the cost of relocating a road at its current level of service; further enhancement of the road will occur at local expense. While this issue may be open to negotiation with KDOT, there are no guarantees.
- If arguments can be made for KDOT assistance to local projects in support of a 32nd Street alignment, then similar arguments can be made for a 42nd Street alignment. In either case, if KDOT funding for various local projects is an important consideration to local policy makers, we suggest that they should seek binding commitments from KDOT prior to supporting a particular alignment.
- An interchange at 32nd and Haskell Avenue promotes further activity in the flood plain and environmentally sensitive areas. An interchange at 42nd and Haskell Avenue avoids development pressure in the flood plain and environmentally sensitive areas. Planning, policy, and enforcement should drive development, not land use speculation.

Conclusion.

The defining issue with respect to the alignment of the eastern leg of the South Lawrence Trafficway is movement of the urban growth boundary. Growth is planned and enabled by the thoughtful extension of municipal infrastructure. It is through this process that we can control sprawl and dictate where development will occur. Substantial evidence exists that development will shift south of the Wakarusa River within the next few decades. We should plan for this growth and make public spending decisions that are consistent with this expectation.

If opportunities do exist for funding some local road improvement projects with state funds by adopting a 32nd Street alignment, these costs are a small fraction of the potential savings available from locating a WWTP in an area to serve south Lawrence and beyond. In conjunction with the potential savings achieved in wastewater treatment, a 42nd Street alignment will provide expensive roadway

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infrastructure that would have to be duplicated as Lawrence develops to the south.

In conclusion, we must stop trying to pound the square peg into the round hole and do what is right for the environment, what is right for our neighbors at Haskell University, and what is right with respect to public policy.

**LDCMPO Special Meeting
South Lawrence Trafficway Land Use Evaluation
Meeting Summary
October 8, 2001 – 6:00 p.m.**

Members Present: Bateman, Burress, Durflinger, Haase, Jennings, Pine, Ramirez, Schenewerk, Schachter

Members Absent: Plants

Staff Present: Finger, Stogsdill, Mattson

Chrm. Durflinger opened the meeting.

Communications were distributed from the following agencies and individuals: City of Baldwin City, Kansas, Baker University president Daniel Lambert, Rural Water District No. 4, MacDonald Lee and Becky Manley.

Staff referenced the letter from the Chamber of Commerce, distributed to the commission at the September meeting, asking that they be allowed to make a presentation to the Planning Commission regarding the Economic Development element of Horizon 2020. Moved by Bateman, seconded by Schachter to place the item on the October Planning Commission agenda. Motion carried unanimously.

Bateman explained the organization and makeup of the SLT land Use Committee. She explained that it was their charge to evaluate the land use and additional concerns around the project and recommended a preferred alignment. Bateman then explained the criteria used to evaluate each alignment. In the end, she reported that the subcommittee voted 5-2 to favor a 32B alignment. The dissenting votes were in favor of a 42A alignment.

Bateman explained the reasons why the majority decided on the 32B alignment. They recognized that it was important to separate local traffic from regional traffic. They believed that it was important to maintain and enhance the flow of east-west traffic through Lawrence. In terms of access points, the majority favored two, one at Haskell and another to serve industrial areas to the east between Haskell and Noria Road. The majority also felt it was important to remove 31st Street from Haskell land, and at the same time enhance existing wetlands through additional mitigated space. Finally, 32B did not encourage sprawl because it kept the alignment closer to the existing Lawrence community. Development south of the river at this time would not be prudent due to the lack of available infrastructure and the lack of long-range planning in that area.

Several commission members spoke on the minority report. Placement of the trafficway south of the Wakarusa River did not disturb the wetlands, mitigated cultural and spiritual concerns and did not reduce the possibility of developing additional wetlands. It was noted that Baker University has been in contact with the Kansas Department of Transportation on this issue.

Burress spoke on several points concerning the minority report. He stated that the commission must keep several important factors in mind when making a decision on a preferred alignment. First, how

much longer were the committee and the community willing to wait to build the trafficway. Burress stated that if the alignment was chosen north of the Wakarusa, further delays were almost a certainty. If, however, decisions were made to plan and develop the trafficway south of the Wakarusa River, most all challenges can be eliminated, including most challenges involving Haskell Indian Nations University and many environmental groups. Second, placing the trafficway south of the river does less environmental damage than disturbing and expanding the existing wetlands and hydric soil formations north of the Wakarusa. Third, Haskell Indian Nations University and the Bureau of Indian Affairs would have reasonable objections to the placement of a road north of the Wakarusa River, whereas if it were south they would have none. Fourth, it is important to examine how Lawrence will grow in the longer term, especially the next 25 to 50 years. It is likely that continued growth will occur, and when it does it will be to the south, east and west of the existing community.

Burress also noted that the actual vote was 4-2, as there were only six members on the committee.

Several speakers spoke in support of alignments north of the Wakarusa River. They spoke on the matters of wetland preservation and development, as well as the history of the area, specifically addressing the traditional location of Indigenous Americans and European Americans along the former Oregon Trail. Individuals also discussed that the majority opinion is based on the short-run costs to the City and the County. Wastewater treatment plants will be needed eventually south of the Wakarusa River. Speakers also were concerned about how the City would be able to pay for the additional two lanes needed along 31st street if it were moved and KDOT did not pay for a four-lane facility.

Haase stated that all alignments essentially follow the same function in moving traffic and all have the same issues, namely: cost, historical, environmental, spiritual and cultural concerns.

Bob Johnson, County Commissioner stated that all issues were discussed and relayed to the Planning Commission through the minority and majority reports.

Durflinger stated that he did not anticipate a unanimous recommendation from the planning commission.

Marty Kennedy, City Commissioner responded to concerns about infrastructure improvements and costs, informing the commission that the City had directed Black & Veatch to alter its Waster Water Master Plan to expect development south of the river in the future.

Bateman stated that 31st was vitally necessary for east-west traffic movement through Lawrence.

Schachter was concerned about land use issues in the SLT corridor. In particular, he expressed a desire to focus on where growth will occur and when it will and should occur.

Bateman responded, saying that he predicted growth would occur to the south of the Wakarusa, but not in the lifetime of the road.

Durflinger stated that the Board of County Commissioners moved the Urban Growth Area boundary north of the Wakarusa River. To move it back to the river would not be sending a message of consistent planning for the area. Growth is important in and around Lawrence, but of what type is appropriate in this area – urban or rural. In addition, development south of the Wakarusa River

requires a wastewater treatment plant along or south of the Wakarusa River as well as collector and arterial road planning.

Ramirez spoke next. He expressed his initial feeling was for a route south of the Wakarusa River to avoid long legal delays. He stated that he has since changed his mind. Ramirez stated that he has always objected to the 5-acre exemption, and that without changing the Urban Growth Area to include this area or land, the possibility for loosely controlled, 5-acre exemption development would greatly increase. In essence, this roadway would invite growth. Ramirez also stated that for him under no circumstance was doing nothing an option. Kansas Highway 10 should be completed around Lawrence, in addition to the completion of 31st street as a four-lane arterial roadway to service local traffic. If possible, he would favor removing 31st Street off Haskell's property, but the City and County should not abandon the 31st Street right-of-way.

Jennings spoke next. He believed that the new floodplain recommendations would likely not allow development in the floodplain area south of the river. Instead, it would be likely that a new trafficway would go through existing residential areas. He stated his favor for a northern alignment.

Schenewerk spoke next. He believed that if the trafficway were not built soon it would be necessary south of the Wakarusa River. A 42nd Street alignment would compromise future traffic options for the City. We must have an alternative route north of the river immediately so that we can alleviate current traffic concerns and give sufficient time to plan south of the river efficiently and effectively. He also reiterated the need to install infrastructure and properly plan before growth is allowed.

Durflinger stated that he echoed Comm. Ramirez' stance on doing nothing. He believed that the road could alleviate some of the problems of attracting new white-collar jobs to Lawrence. A circumferential route is necessary for Lawrence. Durflinger had supported south of the Wakarusa River as well, but it is imperative that a solution be found to 31st Street. It is important not to disturb the existing infrastructure if possible when constructing this roadway. The opportunity is there to solve both local and regional problems if KDOT continues to be willing to assist in doing so. He favored his support for the 32B alignment.

Pine said she believed that it was important to improve the floodplain and drainage situation in the area for the Indian Hills Neighborhood, and this could likely be done through movement of 31st Street south in tandem with the construction of more wetlands. She seconded Ramirez's concerns that if the trafficway is built south of the river it will invite more poorly planned developments that are not built to City standards. Pine believes that compromise is necessary for 32B to work, but she supports the alignment.

Schachter disagreed with Comm. Burress's first point, stating he thought either alignment choice presented the possibility of large litigation suits. He stressed that better information was needed before decisions should be made, and that this commission should make land use recommendations and pass them on to the governing bodies as well. In addition, more controls are necessary in order to appropriately control county growth.

Comm. Ramirez again stressed that if the road is built, people will settle around it and build homes.

Comm. Bateman stated that Comm. Plants had expressed to her agreement with the majority report.



Motion made by Comm. Ramirez, second by Schenewerk, to recommend the construction of the South Lawrence Trafficway along the 32B alignment and to forward that recommendation to the governing bodies with both the majority and minority opinions. Motion carried 6-3. Bateman, Durflinger, Jennings, Pine, Ramirez, Schenewerk in favor; Burress, Haase, Schachter opposed.

Meeting adjourned 7:45 pm.